

Case Service Memo:

2005-02 (Revised)

Subject:

Guidelines Regarding Threats, Violence, Harm, Harassment, or Other Forms of Intimidation

To:

All Staff

From:

Richard Nisogi

Issue Date:

Revised 07/07/05

Effective Date:

Existing

I. Purpose:

Policy statement from the USOR EMERGENCY RESPONSE PROCEDURE MANUAL, Guidelines for a Safe Workplace:

“The Utah State Office of Rehabilitation (USOR) is committed to providing a safe, non-threatening work environment for its employees and consumers. USOR has developed these guidelines to assure the protection and appropriate action of its employees.”

The purpose of Case Service Memo 2005-02: Guidelines Regarding Threats, Violence, Harm, Harassment, or Other Forms of Intimidation is to clarify that staff and clients of the Utah State Office of Rehabilitation, including the Division of Rehabilitation Services (DRS) and the Division of Service to the Blind and Visually Impaired (DSBVI) as well as other individuals with disabilities are entitled to interact and discharge their responsibilities free from threats, violence, harm, harassment, or other forms of intimidation - including threats of physical or psychological harm, property damage, or any other type of intimidation. USOR, including DRS and DSBVI, does not tolerate such actions or behavior(s) toward staff, co-workers, supervisors, managers, other individuals with disabilities, or other individuals involved in the provision of vocational rehabilitation services.

- a. Threat: A threat is a veiled, conditional, implied or direct expression of intent to inflict physical or psychological pain, injury or harm to another person. Any act of physical, verbal or psychological aggression, harm, or property abuse or damage shall be considered an act of violence.
- b. Harassment: Harassment is an unwanted campaign of persistent behavior against another person which results in physical or emotional intimidation.
- c. NOTE: These guidelines do not apply to behaviors, statements, or actions which are inappropriate, offensive, irritating, or otherwise troublesome in nature. Such actions and behaviors are sometimes encountered by counseling professionals and other staff who work with people with significant mental and/or physical disabilities. As professionals, we are expected to handle such actions and behaviors in a competent, efficient, and understanding manner. Supervisory and administrative consultation should be obtained whenever needed, but especially whenever it is felt that an action is becoming or constitutes a threat, violence,

harm, harassment, or other form of intimidation. Unless an individual's action or behavior rises to the level of a threat, violence, harm, harassment, or other form of intimidation it is expected to be treated, and responded to, in a professional manner.

II. Response to threats, violence, harm, harassment, or other forms of intimidation.

In all instances of threat, violence, harm, harassment, or other forms of intimidation toward individuals involved in the provision of vocational rehabilitation services the first concern must be to assure the safety of threatened individuals. If an immediate danger exists, the police shall be contacted promptly. If a physical threat is taking place the threatened person should disengage from the threatening person involved as quickly as possible and obtain support from all other people in the vicinity. Consultation with supervisors and administration should be sought immediately. All other individuals in the vicinity should be informed that a threatening incident is occurring or has occurred. If someone is being physically attacked, and it is no longer a threat, that person has the right to defend himself or herself immediately, to escape or disengage from the situation, and to immediately seek all available assistance and support. Each office should identify a type of alarm, warning system, or code words that will alert others to the fact that help is needed or that the police need to be called by someone other than the individual in the situation. All threats, violence, harm, harassment, and other forms of intimidation must be documented in writing and reported to the most immediate and available supervisor, even when there is an uneventful or favorable resolution of the incident.

- a. By an applicant or eligible individual: Threats, violence, harm, harassment, or other forms of intimidation by an applicant or eligible individual against another individual with a disability, a USOR staff member, or any other individual involved in the provision of vocational rehabilitation services shall result in an interruption of the vocational rehabilitation service relationship, including closure of the service record when warranted, and filing of criminal charges when warranted. The vocational rehabilitation service relationship may resume only after assurance of future safety has been restored. Any threat made which is deemed to be serious and results in a change of service provision (i.e. transfer, services suspended or services terminated etc.) must be reported to VR Administration.

When a threat to the safety of staff is made or implied by an applicant or eligible client in the course of the service relationship, VR staff are released of normal service responsibilities until an assurance of safety has been restored. Methods for establishing the assurance of safety include anger management training, court imposed mandates, and treatment through the services of a third party counselor or therapist whereby:

- i. The person making the threat participates in appropriate counseling or therapy with a third party accepted by both the individual and the agency; and
- ii. The individual making the threat expresses directly to the threatened parties why the threat was not an acceptable response; and

- iii. The individual making the threat and the agency representative establish together and agree on the conditions of a resumed service relationship.

Should an applicant or client deny that the incident took place and/or refuse to participate in the process described above, services may continue to be suspended and consultation should take place with the District Director to determine if case closure is appropriate. Generally, reassignment of the case to another counselor by itself would not be considered an adequate response to such a threat.

- b. By an advocate or other representative of an applicant: When threats, violence, harm, harassment, or other forms of intimidation are committed by an advocate or other representative of an applicant or eligible individual, the applicant or eligible individual will be asked to discontinue his or her representative's interaction with the vocational rehabilitation counselor or office for the remainder of the vocational rehabilitation service relationship. Failure to do so shall result in an interruption of the vocational rehabilitation service relationship, including closure of the service record when warranted, and filing of criminal charges against the representative when warranted. The applicant or eligible individual may designate a new advocate or other representative in such situations. Vocational Rehabilitation administration must be notified in advance of the intent to close an applicant or eligible individual for reasons related to these guidelines.
- c. By a USOR staff member: Allegations of threats, violence, harm, harassment, or other forms of intimidation, including sexual harassment, toward an applicant or eligible individual or other involved persons by a USOR staff member will be thoroughly investigated in a timely manner in accordance with established agency procedure. Such behavior may result in corrective action, disciplinary action, or, when warranted, filing of criminal charges. When the allegation concerns a service provision staff member, arrangements shall be made for the applicant or eligible individual to continue his or her vocational rehabilitation services without further contact with the staff member until the situation is resolved.

III. Threat of Harm to Self or Others:

- a. It is important that clients, and others as appropriate, be informed that we are required by law to inform appropriate authorities whenever we have knowledge that a threat has been made or whenever we have reason to believe that someone is a threat to self or others. We are required by law to make such notifications. It is not optional or a matter of choice. Clients and staff both need to know this. It is best to make people aware of this before there is a problem, therefore it is advisable to discuss it in the course of a routine discussion, rather than during or after a problem has arisen. An effective way to tell someone is to just say to them that as professional counselors we are required both ethically and by law to notify appropriate authorities under certain conditions and then discuss those conditions.
- b. A person receiving or hearing a threat, or who perceives the possibility of danger to self or others, must discuss it with his or her supervisor or other resource person and decide to whom it should be reported. The person receiving or

hearing a threat, or who perceives the possibility of danger to self or others, is the person who is obligated to report it. Police or others receiving such reports prefer to get them from a first hand source whenever possible. People are often reluctant to do such reporting for a variety of reasons. Such feelings are very natural but must be worked through so that someone else is not put in danger due to failure to take appropriate action. Whenever someone has such feelings, they should discuss them with her or his supervisor for assistance.

- c. When a report is made, the person reporting a threat must also inform his or her Division Director that they have made the report.
- d. The "appropriate authority" to make a report to is usually the police department. There are, however, circumstances where you may have options. For example, someone making a threat regarding a university could be reported to the campus police department if there is one. The same would be true of any business or institution which has its own security department.

IV. **Responding To A Suicide Threat:**

This guide is for how to RESPOND when a person informs you in any way that they may commit suicide, it is not a prevention strategy or discussion strategy. Follow this guide when a person has made any kind of suicide threat. Always take suicide threats seriously even if a person has made them before and has not followed through. It is always better to be overly cautious when a person's life may be at stake.

- a. We are required by law to notify the police whenever a person appears to be a threat to self or to others, including when a person makes a suicide threat. We must inform clients, and any other person who might benefit from this information, about our obligation to notify authorities.
- a. If the person making the threat is a VR client then the client's counselor should make the notification whenever possible since the counselor may have important information to share with the authorities. If the counselor is not available and/or there would be a delay in making the notification then whoever receives the first notification about the threat should notify the police immediately.
- b. If there is any reason to believe that the suicide may be happening or about to happen then whoever receives the first notification about the threat should notify the police immediately.
- c. Speak with the person directly if you are able to. Assure him or her that there is always another way to deal with a problem other than committing suicide and that we can help. Remind her or him that you are required to notify the authorities.
- d. Contact your supervisor and notify Case Service or Agency administration. Keep them informed about developments.
- e. Don't ignore the situation or take it casually. It is better to err on the side of safety for the person.
- f. Keep all materials related to the threat notification such as letters, envelopes, voicemails, emails, etc.

- V. Time is often a critical factor in these actions. All staff must respond as quickly as possible.

- VI. All incidents, threats of violence, violent behavior, harm, harassment, and other forms of intimidation covered in these guidelines are serious incidents and must be documented in writing and reported in a timely manner to the most immediate and available supervisor. This documentation must be completed in all cases even if an uneventful or favorable resolution occurs, but may be completed after the emergency or the immediacy of the event has passed.

Expired